

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO ALL
ACTIONS

**PLAINTIFFS' MOTION FOR LEAVE TO FILE PLAINTIFFS' RESPONSE IN
OPPOSITION TO ASTRAZENECA'S MOTION FOR A PROTECTIVE ORDER
LIMITING THE SCOPE OF CERTAIN THIRD PARTY SUBPOENAS UNDER SEAL**

Plaintiffs, by their attorneys, respectfully move this Court for a leave to file their Response in Opposition to AstraZeneca's Motion for a Protective Order Limiting the Scope of Certain Third Party Subpoenas ("Response") under seal.

1. Pursuant to Paragraph 14 of the Protective Order (Dec. 13, 2002) in this case, the parties may designate deposition testimony as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." Within thirty (30) days of receipt of the transcript, the deponent and/or his or her counsel may redesignate or remove such designation from the transcript.

2. Plaintiffs' Response cites to the transcripts of AstraZeneca's two Rule 30(b)(6) deponents, Jeffery Alverson and John Freeberry.

3. Because of AstraZeneca's counsel's designation of the Alverson and Freeberry transcripts as HIGHLY CONFIDENTIAL, plaintiffs respectfully request leave to file their Response under seal (and have done so contemporaneously with the filing of this motion). Plaintiffs will file unredacted versions of these pleadings with the Court in the event that AstraZeneca elects to remove that designation from the Alverson and Freeberry transcripts.

WHEREFORE plaintiffs respectfully request that this Court grant them leave to file their Response under seal, and all other relief that this Court deems just and proper.

Dated: September 21, 2004

By: /s/Thomas M. Sobol
One of Plaintiffs' Counsel

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CERTIFICATE OF SERVICE BY VERILAW

Docket No. MDL 1456

I, Thomas M. Sobol, hereby certify that I am one of plaintiffs' attorneys and that, on September 21, 2004, I caused copies of PLAINTIFFS' RESPONSE IN OPPOSITION TO ASTRAZENECA'S MOTION FOR A PROTECTIVE ORDER LIMITING THE SCOPE OF CERTAIN THIRD PARTY SUBPOENAS UNDER SEAL to be served on all counsel of record by causing same to be posted electronically via Verilaw.

Dated: September 21, 2004

/s/Thomas M. Sobol
Thomas M. Sobol